



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,233	11/29/2000	Christine Miyachi	XER-20374D/A0600	9612

7590 04/21/2004

Albert P. Sharpe III Esq  
Fay Sharpe Fagan Minnich & McKee LLP  
7th Floor  
1100 Superior Avenue  
Cleveland, OH 44114-2518

EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
----------	--------------

2626

DATE MAILED: 04/21/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/726,233

Applicant(s)

MIYACHI ET AL.

Examiner

Negussie Worku

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection. This office action is non-final.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, are rejected under 35 U.S.C. 102(e) as being anticipated by Teng et al. (USP 6,240,456).

With respect to claim 1, Teng et al. discloses a partial print provider (a dynamic-link library (DDL) which is provided as a means for allowing communication with printer which has a communication protocol [code for implementing DDL is found in the installable components 126 of fig 5, see col.9, lines 17-22) that permits a first print spooler (system spooler 64 of fig 2, as first spooler) to interface with a second print spooler (system spooler 74 of fig 5, as second spooler) for further processing of a print job submitted to a network print server (print network server 49 of fig 5).

With respect to claim 2, Teng discloses a partial print provider (a dynamic-link library (DDL) which is provided as a means for allowing communication with printer which has a communication protocol [code for implementing DDL is found in the installable components 126 of fig 5, see col.9, lines 17-22) wherein the network print server (print network server 49 of fig 5) is operating window NT software (the windows NT brand operating system inherently allows user-mode software running on a network client to request the performance of a job on a remote, compatible network server) and the second print spooler is a window NT print spooler, (since system spooler 74 of fig 5, as second spooler and linked to network server 49 of fig 2, it operate in window NT environment, see col.1, lines 45-48).

With respect to claim 3, discloses a partial print provider (a dynamic-link library (DDL) which is provided as a means for allowing communication with printer which has a communication protocol [code for implementing DDL is found in the installable components 126 of fig 5, see col.9, lines 17-22) wherein the interface between the NT print spooler (spooler 74 of fig 2) and the first spooler (spooler 64 of fig 2) permits the first spooler to leverage of on Microsoft print services protocol (DDL protocol, see col.3, lines 10-13) and network technologies.

With respect to claim 4, Teng et al., discloses a partial print provider wherein the partial print provider is a dynamically linked library file (a dynamic-link library (DDL) which is provided as a means for allowing communication with printer which has a communication protocol [code for implementing DDL is found in the installable components 126 of fig 5, see col.9, lines 17-22).

With respect to claim 5, Teng et al. discloses a partial print provider, (a dynamic-link library (DDL) which is provided as a means for allowing communication with printer which has a communication protocol [code for implementing DDL is found in the installable components 126 of fig 5, see col.9, lines 17-22), wherein all print jobs received by the second spooler (system spooler 74 of fig 5, as second spooler) can be used for second purpose are forwarded to the first spooler (spooler 64 of fig 2) for further processing.

With respect to claim 6, Teng et al. discloses a partial print provider, (a dynamic-link library (DDL) which is provided as a means for allowing communication with printer which has a communication protocol [code for implementing DDL is found in the installable components 126 of fig 5, see col.9, lines 17-22) wherein the partial print provider can be modified to establish an interface between the first print spooler (spooler 64 of fig 2, as first spooler) and any second spooler (spooler 74 of fig 5, as second spooler).

With respect to claim 7, Teng et al. discloses a partial print provider, (a dynamic-link library (DDL) which is provided as a means for allowing communication with printer which has a communication protocol [code for implementing DDL is found in the installable components 126 of fig 5, see col.9, lines 17-22) wherein the network print server (server 49 of fig 2) is configured to be used with a xerographic print (printer 50 of fig 2) see (col.6, lines 17-20).

4. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negussie Worku* whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, **Kimberly Williams**, can be reached on (703) 305-4863.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-5406, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Negussie Worku*

04/12/04

*KA Williams*  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER